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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,569	01/27/2004	Tetsuro Motoyama	245418US-2	9034
22850 7590 03/04/2009 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER HOANG, HIEU T	
			ART UNIT 2452	PAPER NUMBER
			MAIL DATE 03/04/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary (For use in the First Action Interview Pilot Program)	Application No. 10/764,569	Applicant(s) MOTOYAMA ET AL.	
	Examiner HIEU T. HOANG	Art Unit 2452	Page 1 of 2

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE **ONE MONTH OR THIRTY (30) DAYS**, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

This time period for reply is extendable under 37 CFR 1.136(a) for only ONE additional MONTH. This communication constitutes notice under 37 CFR 1.136(a)(1)(i).

☐ Applicant's request to not have a first-action interview is acknowledged.

Status

- 1) ☒ Responsive to communication(s) filed on 1/15/2009 and interview conducted on 2/25/2009.
 2) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 3) ☒ Claim(s) 1-5, 10-13, 18-22 is/are pending in the application.
 3a) Of the above claim(s) _____ is/are withdrawn from consideration.
 4) ☐ Claim(s) _____ is/are allowed.
 5) ☒ Claim(s) 1-5, 10-13, 18-22 is/are rejected.
 6) ☐ Claim(s) _____ is/are objected to.
 7) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 8) ☐ The specification is objected to by the Examiner.
 9) ☒ The drawing(s) filed on 27 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 10) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

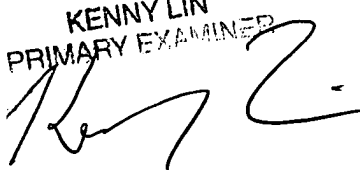
Priority under 35 U.S.C. § 119

- 11) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

Contact Information

Examiner's Telephone Number: (571)270-1253
 Examiner's Typical Work Schedule: Monday-Thursday, 8 a.m.-5 p.m., EST
 Supervisor's Name: John Follansbee
 Supervisor's Telephone Number: 571-272-3964

KENNY LIN
 PRIMARY EXAMINER


Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____
 4) ☒ Interview Summary (PTO-413)
 Paper No(s)/Mail Date: 2/25/2009
 5) ☐ Notice of Informal Patent Application
 6) ☐ Other: _____

Interview Summary	Application No.	Applicant(s)	
	10/764,569	MOTOYAMA ET AL.	
	Examiner	Art Unit	
	HIEU T. HOANG	2452	

All participants (applicant, applicant's representative, PTO personnel):

(1) HIEU T. HOANG.

(3) Jim Kubaski.

(2) Kurt Berger.

(4) Kenny Lin.

Date of Interview: 24 February 2009.

Type: a) ☐ Telephonic b) ☐ Video Conference
c) ☒ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: _____.

Claim(s) discussed: 1, 27, 28.

Identification of prior art discussed: Dorland, Krishnamoorthy.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

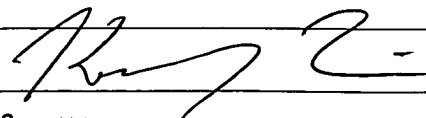
Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The interview was conducted for discussion on proposed claim amendment submitted on 1/15/2009. Both sides did not reach an agreement on allowable subject matter.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

KENNY LIN
PRIMARY EXAMINER

/HH/



Office Action Summary

Application No.

10764569

Applicant(s)

MOTOYAMA ET AL.

Examiner

HIEU T. HOANG

Art Unit

2452

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Notification of Rejection(s) and/or Objection(s)

#	Claim(s)	Reference(s) (if applicable)	Rejection Statutory Basis	Brief Explanation of Rejection
1	10-13		101	Claim 10 recites "means for" doing specific steps of a method. Since no explicit disclosure of the means is found in the specification, these means can be software instructions or protocol instructions, rendering the claim(s) non-statutory (see continuation)
2	18-22		101	Claim 18 recites "a computer program product having a computer usable medium..., comprising...instructions." A computer program product comprising instructions can be software, per se, and is therefore non-statutory. (see continuation)
3	1-5, 10-13, 18-22	Dorland, Krishnamoorthy	103	For claim 1, Dorland discloses a method of managing information related to at least one monitored device communicatively coupled to a network, comprising: (see continuation)

Expanded Discussion/Commentary

1	(see, e.g., specification fig. 23, code sequence for means for selecting a communication protocol) for doing the specific steps.
2	A computer usable medium, being undefined in the specification, can be read as a transmission medium such as transmission wires, cables or even wireless media, propagating signals waves, and is therefore non-statutory.
3	selecting a communication protocol among a plurality of communication protocols used to extract status information from the at least one monitored device ([0019], lines 1-10, SNMP, FTP, and HTTP); retrieving, from a first memory, by a protocol object associated with the selected communication protocol, vendor and model information of the at least one monitored device, obtaining a vendor name and a model name ([0033], lines 1-4, [0026], table on page 5 right column, model and vendor ID, reading configuration including a vendor ID and a model ID)
3	determining if the descriptive string is present in a second memory; and if the determining step determines that the descriptive string is not present in the second memory, storing the descriptive string in the second memory in association with the protocol object ([0032] lines 1-4, [0036], an e-integration manager is a central management system that receives and synchronizes management data received from the e-managers). Dorland does not disclose creating a descriptive string using the obtained vendor name and the obtained model name.
3	However, Krishnamoorthy discloses a data structure having a vendor ID and a product ID (fig. 11, [0045]). It would have been obvious for one skilled in the art at the time of the invention to combine the teachings of Dorland and Krishnamoorthy to establish device classes using vendor and product ID or name to efficiently distinguish among different device categories. Claims 10 and 18 are rejected for the same rationale as in claim 1.
3	Buling on the rejection of claims 1, 10 and 18. Claims 2, 11, 19 (Krishnamoorthy, fig. 11, separator). Claims 3, 20 (Dorland, [0019], lines 1-10). Claims 4, 12, 21 (Dorland, fig. 4, table on p. 5). Claims 5, 13, 22 (Dorland, [0019] lines 1-10)

DATE:
2/25/2009

/HH/

KENNY LIN
PRIMARY EXAMINERU.S. Patent and Trademark Office
PTOL-413FA (Rev. 09-07)

First Action Interview Office Action Summary

Part of Paper No./Mail Date